United Nations A/C.6/62/SR.5

General Assembly
Sixty-second session

Official Records

Distr.: General
30 October 2007

Original: English

Sixth Committee

Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 11 October 2007, at 3 p.m.

Chairman: Mr. Tulbure ..... (Moldova)

Contents

Agenda item 108: Measures to eliminate international terrorism (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

07-53770 (E)

The meeting was called to order at 3.05 p.m.

Agenda item 108: Measures to eliminate international terrorism (*continued*) (A/62/37, A/62/160 and A/62/291)

1. **Mr. Liu** Zhenmin (People's Republic of China) said that terrorism was a grave threat to international peace and security that countries had a common interest in combating. Both preventive and punitive measures were needed, but prevention deserved particular attention. All countries should strengthen cooperation, notably legal cooperation. An international legal framework under United Nations auspices had begun to take shape. The Global Counter-Terrorism Strategy adopted in 2006 again showed the unity and determination of countries to fight terrorism.

2. Terrorist activities had continued unabated, with the number of terrorist attacks growing — a severe and urgent situation presenting the international community with a daunting challenge. Agreement on certain points should be strengthened: combating terrorism in all its forms; improving the international legal system for countering terrorism; ensuring that anti-terrorism laws were effectively implemented; addressing the root causes of terrorism; and helping countries build up their counter-terrorism capacity. Efforts to combat terrorism should meet two key requirements: they must comply strictly with the purposes and principles of the Charter of the United Nations and other universally recognized norms of international law, and they must follow the principle of non-discrimination and avoid double standards.

3. China attached great importance to the work of building a counter-terrorism legal network, had been involved in negotiating various United Nations counter-terrorism conventions, had joined 11 international counter-terrorism conventions and had made effective efforts to fulfil its treaty obligations. Domestic legal procedures were under way to ratify the International Convention for the Suppression of Acts of Nuclear Terrorism and the Revised Convention on the Physical Protection of Nuclear Material. China also cooperated in combating terrorist crimes through bilateral treaties: to date, 32 bilateral extradition treaties and 43 bilateral treaties on judicial assistance in criminal matters had been concluded.

4. China had set up a new system to prevent terrorist financing by adding provisions against such financing to its Criminal Code and formulating an Anti-Money-Laundering Act which had come into force as of 1 January 2007. In June, the People's Bank of China had promulgated Rules on Reporting Suspicious Transactions for Terrorist Financing by Financial Institutions, obliging those institutions to report transactions suspected of being terrorism-related.

5. China continued to take an active part in counter-terrorist cooperation bilaterally, regionally and internationally. It had become a formal member of the Financial Action Task Force on Money Laundering since June 2007 and had taken part in "Peace Mission 2007", the joint counter-terrorism exercise of the Shanghai Cooperation Organization. In September, Chinese armed forces and Russia's domestic security force had conducted a joint counter-terrorism exercise named "Cooperation 2007".

6. Owing to fundamental differences on some key issues, drafting work on a comprehensive convention on international terrorism had been dragging on. That convention, as a supplement to the current international legal framework, could help perfect the legal system. All States should show confidence and good faith and continue to work towards a solution in a cooperative and constructive spirit. China supported the initiative to convene a high-level conference on counter-terrorism under United Nations auspices when conditions were ripe. Such a conference would provide policy guidance for international legal cooperation and help to advance completion and implementation of a comprehensive convention.

7. **Mr. Mvondo Ayolo** (Cameroon) said that although measures to eliminate international terrorism had been on its agenda for 35 years, the United Nations had not yet overcome those dark forces, but the events of 11 September 2001 had sparked a keener awareness of the danger that blind hatred and intolerance held for the world. Terrorists struck randomly at innocent children, women and men, the young and the old, without distinction as to race, culture or religion, undermining the structure of societies. It was the mission of the United Nations to work for understanding and tolerance among peoples and to save mankind from the scourge of war in all its forms, including terrorism. No Member State should approve or support terrorism in any manner. The Global Counter-Terrorism Strategy unanimously adopted in 2006 bore witness to the international community's resolve but needed to be coupled with a true

mechanism of implementation negotiated transparently, reflecting the realities of different international actors. Beyond that, each State had its own tasks to undertake. President Paul Biya of Cameroon had reaffirmed his country's determination to fulfil its commitments. Cameroon already had a legal framework to respond to terrorist acts, pending completion of specific legislation. In addition to the power of the Head of State to invoke article 9 of the Constitution in the event of a grave threat to the country, Cameroon's penal code punished various violations analogous to terrorist acts, and other laws contained severe penalties to deter such acts. Article 97 of the code pertaining to accomplice liability, combined with other national laws, could be invoked to prohibit and punish financing of acts of terrorism. Acts against the security of civil aviation had been made punishable pursuant to Law No. 2001/019. Law 63/4 and the Merchant Marine Code contained provisions applicable against terrorism. The penal code contained penalties applicable to acts against other States and their citizens. By Decree-Law 2005/197 Cameroon had established a national agency for financial investigations tasked with receiving, processing and, as appropriate, transmitting to competent authorities information relating to the provenance of funds and the nature of transactions that fell under suspicion. Cameroon was also a member of all of the regional and subregional counter-terrorism conventions and arrangements, as well as three quarters of the relevant international instruments.

8. A constitutional principle of Cameroon's law giving primacy to conventional rules over domestic rules rendered the provisions of international agreements on terrorism to which Cameroon was a signatory directly applicable before judicial and administrative authorities. Such was the value Cameroon attached to the codification work of the Committee, United Nations action, and action by regional and subregional forums to eradicate terrorism.

9. In endeavouring to ensure implementation of Security Council counter-terrorism resolutions, Cameroon had transmitted its third report to the Security Council Committee established pursuant to resolution 1373 (2001) and its second report to the Security Council Committee established pursuant to paragraph 6 of resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities. A delegation of experts from that committee had recognized Cameroon's work in combating terrorism. In February 2007 Yaoundé had hosted a workshop on ratification and adaptation of national laws to international counter-terrorism instruments.

10. In its current deliberations, the Committee should set aside political and philosophical considerations and, in accordance with its mandate, take a legal approach to the task of drafting a general convention on international terrorism and its consideration of the question of convening a high-level conference. While there unfortunately remained differences of opinion, Member States were committed to negotiating in good faith and reaching agreement on a general international convention. All were in agreement on preserving the bulk of the text; only article 18 on scope of application remained problematic. New ideas, flexibility and political will were needed to reach consensus. Adoption of a general convention was not an end in itself; a multidimensional approach was needed to attack the evil at its root. A high-level conference could help to promote universal accession to international anti-terrorism instruments and strengthen international cooperation in the field.

11. **Mr. Alday González** (Mexico) said that Mexico had recently taken further steps to fulfil its international obligations with regard to combating terrorism. On 28 May 2007, Mexico's National Security Council had established a Specialized High-Level Committee to coordinate executive measures with respect to terrorism, disarmament and international security. Functioning through a general secretariat housed in the National Centre for Research and National Security, the High-Level Committee included a group specializing in counter-terrorism. One of its main functions was to act as liaison between Mexico and international treaty bodies. The High-Level Committee was entrusted, inter alia, with application at the national level of Security Council resolutions 1373 (2001), 1540 (2004) and 1624 (2005), which constituted an important part of the Global Counter-Terrorism Strategy, and preventing States from supplying any form of help to non-state actors with respect to nuclear, chemical or biological weapons and their delivery systems, as well as developing measures to prevent the proliferation of weapons of mass destruction. The creation of the Specialized High-Level Committee was a very important step in enhancing Mexico's institutional framework under the Plan of Action of the Global Counter-Terrorism Strategy.

12. **Ms. Ochir** (Mongolia) said that Mongolia unequivocally condemned terrorism in all its forms and manifestations. A deadly menace threatening the entire world, it could not be justified by any reason or motivation. Adoption of the Global Counter-Terrorism Strategy and Plan of Action marked the common resolve of all countries to fight terrorism. The review of progress made under the Strategy should take stock of all the multifaceted activities undertaken so far. To combat international terrorism effectively, it was likewise of the utmost importance to address conditions conducive to the spread of terrorism.

13. Adherence to the existing counter-terrorism conventions had shown an encouraging increase since 2001, but the treaty regime should speedily be brought to near-universality. States that had not yet done so should accede to the counter-terrorism conventions and protocols. A concerted effort was needed to agree soon on outstanding issues which stood in the way of a comprehensive convention on international terrorism.

14. The Counter-Terrorism Implementation Task Force and the Counter-Terrorism Online Handbook were important contributions in promoting coordinated and coherent efforts and in helping States build capacity, a core element of the Strategy.

15. Mongolia was a party to all the international anti-terrorism conventions and was working to implement their provisions by, among other things, harmonizing its domestic laws with its international obligations, enacting new laws to address emerging issues, setting up an institutional framework, and pursuing cooperation with and technical assistance from its bilateral and multilateral partners. Under its new Law on Combating Terrorism, Mongolia had set up an inter-agency council to coordinate activities and a national plan of action for preventing terrorism and regulating anti-terrorism activities. Mongolia had enacted a Law on Combating Money-Laundering and Terrorism Financing. An evaluation of Mongolia's regime to combat money-laundering and financing of terrorism, based on recommendations of the Financial Action Task Force, had been carried out during the annual meeting of the Asia Pacific Group on Money Laundering. That Group's members had adopted six Mutual Evaluation Reports of Asian countries, including Mongolia. The publication of those reports set a benchmark of transparency and good governance to prevent and combat financing of terrorism in the Asia-Pacific region and provided an example of the requirements for implementing the internationally agreed standards.

16. Keen to implement its obligations under Security Council resolutions, Mongolia had submitted national implementation reports to the subsidiary bodies entrusted with the implementation of resolutions 1373 (2001) and 1540 (2004). To improve its national capacity to implement resolution 1540 (2004), it had developed a three-year project aimed at establishing import and export controls over nuclear and other radioactive materials at points of entry by providing up-to-date, sensitive detection equipment to border control agencies.

17. **Ms. Rodríguez de Ortiz** (Bolivarian Republic of Venezuela) said that the fight against terrorism, one element of the international community's endeavours to promote and secure international peace, should be strengthened through concrete actions to eradicate extreme poverty, promote environmentally sustainable economic and social development, and ensure respect for human rights and for cultural and religious diversity.

18. Her country was determined to combat terrorism in all its forms and manifestations through concrete action at the national and international levels. Nationally, her country had designated three review tribunals and two appellate courts to hear cases of terrorism. A draft law on terrorism was also under consideration and near approval in the National Assembly. Those national measures were notified in June 2006 to the Security Council Committee established pursuant to resolution 1373 (2001) and were in compliance with that resolution.

19. Internationally, her country considered that the international community could and should play an important role in combating terrorism, firstly through prompt adoption of an international legal instrument as a framework to combat terrorist acts in all their manifestations, from which State terrorism could not be excluded since it implied the negation of the rule of law and human rights in the social, civil, political and economic spheres; secondly, through international cooperation geared primarily to prevention and punishment of the guilty rather than the use of force against such offences.

20. In that regard, as part of the work on a draft general convention against international terrorism, it was necessary promptly to achieve consensus on the

definition of "terrorism", which should be balanced in its primary parameters and should take into account that actions taken by peoples in the exercise of the right of self-determination, in struggles for liberation from any form of foreign domination, could not be characterized as terrorism. In that regard, her country fully supported resolution 46/51 (1992) and other relevant General Assembly resolutions.

21. With regard to Security Council resolution 1373 (2001) it was essential that the international community carry out its provisions, which had declared unacceptable the granting of refuge to perpetrators of terrorism.

22. The Bolivarian Republic of Venezuela firmly and categorically rejected the use of political considerations as a justification for terrorist acts or as grounds to deny or delay bringing such criminals to justice. Her country was awaiting a response from the Government of the United States of America regarding the request for extradition of the terrorist Luis Posada Carriles, who was responsible for blowing up an airliner of the airline Cubana de Aviación resulting in the death of 76 innocent civilians on 6 October 1976 and who currently was free on bail granted by a United States court on 19 April 2007. That situation tended to create an exception which undermined international cooperation to combat terrorism in all its manifestations and weakened the legal order arising from relevant multilateral, regional and bilateral agreements. The international community had expressed support for the Venezuelan request in the outcome of the 2005 Fifteenth Iberoamerican Summit, in the final document of the Fourteenth Summit Conference of Heads of State or Government of the Movement of Non-Aligned Countries, and in a statement by the Chairman of the Coordinating Bureau of the Non-Aligned Movement.

23. She wished to recall that, in keeping with Security Council resolution 1373 (2001) and the General Assembly resolution on the Global Counter-Terrorism Strategy, the United Nations was committed to fighting the scourge of terrorism, a commitment which required transparency and firm action by States to find, deny refuge to, and bring to justice all persons who supported or facilitated terrorist acts or who participated in their financing, planning, preparation or commission. It was to be hoped that States would translate their commitments into concrete action, in a manner respectful of law and conducive to international cooperation.

24. **Ms. Radu** (Moldova) said that her Government had demonstrated its commitment to combating terrorism by becoming a party to the International Convention for the Suppression of Acts of Nuclear Terrorism, implementing the relevant Security Council resolutions and adopting a national strategy for preventing and combating money-laundering and the financing of terrorism.

25. Because most terrorist acts were directed towards specific political goals, they were nourished by separatist tendencies that threatened the sovereignty and territorial integrity of States and were accompanied by other criminal activities such as money-laundering and trafficking in weapons and drugs. The adoption of the Global Counter-Terrorism Strategy by all Member States was proof of their intention to provide much-needed legitimacy to United Nations counter-terrorism efforts; full implementation of the Strategy and its Plan of Action should be a priority for all States. Her delegation was pleased that the President of the sixty-second session of the General Assembly had made that implementation one of the priorities of his presidency.

26. However, the lack of agreement on a clear definition of terrorism was impeding the adoption of legislation that would ensure uniform implementation at the international level, guide law-enforcement efforts and establish universal rules of engagement. The current session of the General Assembly was an opportunity to finalize the draft comprehensive convention on international terrorism on the understanding that its adoption would be only one step towards the development of a normative counter-terrorism framework; the real challenge would be to implement the new convention and amend national legislation in accordance with its provisions.

27. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that no country, whether developed or developing, could be said to be immune to the threat of terrorism and no State could overcome it without the help of others. The threat was global and, in an increasingly interconnected world, the solution must be global as well.

28. Counter-terrorism campaigns should be organized under United Nations auspices and conducted in accordance with the Charter and international law. A consensually agreed legal definition was essential in

order to prevent certain Powers from pursuing their long-time practice of naming international public enemies on a subjective, arbitrary case-by-case basis in the light of their national interests. Such a definition must be objective; it must include all forms of terrorism, including State terrorism, and must make a clear distinction between the heinous act of terrorism, whatever its motivation, and the internationally and legally recognized struggle of peoples denied their fundamental right to self-determination.

29. He welcomed the statement in the Global Counter-Terrorism Strategy that "conditions conducive to the spread of terrorism" should be addressed; while root causes could not be viewed as a justification, they should be identified and eliminated as breeding grounds for resentment, despair, hatred, intolerance and violence. Similarly, it had become evident that while resorting to large-scale armed force in retaliation against the perpetrators of terrorism might appear justifiable, it could also mask the symptoms of that problem. Moreover, the extensive use of military force against terrorism had led to the slaughter of innocents, euphemistically termed "collateral damage", and to a vicious cycle of violence and terror.

30. Foreign occupation was the single greatest root cause of terrorism and a violation of the basic tenets of international law, including the Charter of the United Nations and international human rights and humanitarian law. It was important not to play into the hands of terrorists by sacrificing the rule of law and respect for human rights and fundamental freedoms.

31. As a victim of terrorism, the Islamic Republic of Iran condemned it unequivocally in all its forms and manifestations. The killing of innocent civilians was a criminal, abhorrent act and State terrorism was the most dangerous form of terrorism. The ongoing conflicts imposed by non-regional Powers, together with foreign occupation, had led misguided extremists and opportunists to slaughter civilians in Iraq and Afghanistan in a wave of terrorism that threatened to spread to their neighbours.

32. His Government stood ready to cooperate with all States and with the United Nations in combating terrorism. In January 2007, a workshop on preventing and combating terrorism had been organized jointly by the United Nations Office on Drugs and Crime and the national judiciary in order to discuss incorporation of the relevant international instruments into domestic law. The Islamic Republic of Iran had acceded to the International Convention Against the Taking of Hostages on 20 November 2006 and was in the process of becoming a party to the other relevant conventions and protocols.

33. No one should make a distinction between "good" and "bad" terrorism, yet some States continued to delude themselves by believing that terrorism was acceptable where it could be used in pursuit of their hidden political interests and were increasingly resorting to the cold-war proxy pattern of interfering in the domestic affairs of other countries by creating new terrorist groups, training their members and financing their activities in violation of both international law and civilized values.

34. It was imperative for the General Assembly to view the Global Counter-Terrorism Strategy Plan of Action on a regular basis in order to adapt it to new developments. The international community should use the momentum gained from the Strategy's adoption to further develop a comprehensive legal framework for its implementation. He urged the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 to complete its work as quickly as possible and suggested that the Committee's Working Group on measures to eliminate international terrorism might promote that process.

35. His delegation supported the proposal to convene an international conference under United Nations auspices in order to formulate a joint, organized response to terrorism in all its forms and manifestations. Such a conference could facilitate the work of the Ad Hoc Committee by addressing outstanding issues such as the scope of application of the draft comprehensive convention and its relationship to international law and, in particular, international humanitarian law.

36. **Mr. dos Santos** (Mozambique) said that a multilateral approach to terrorism, with the United Nations as the core forum for the development of global strategies and the provision of guidance on practical measures to be taken by Member States, was the best way of addressing that serious threat to international peace and security. His delegation therefore welcomed the adoption of the Global Counter-Terrorism Strategy, which reaffirmed the need for the international counter-terrorism effort to be conducted in accordance with the Charter, the relevant

international conventions and protocols, and international human rights, refugee and humanitarian law.

37. Mozambique was a party to 12 of the international counter-terrorism instruments, the International Convention against Transnational Organized Crime and the protocols thereto and the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism. It was in the process of ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism.

38. He was pleased that the United Nations Office on Drugs and Crime had expanded its provision of technical assistance and capacity-building to developing countries in order to facilitate implementation of the international counter-terrorism instruments, and he endorsed the Secretary-General's recommendation that that Office should work to meet the increasing demand in that area as more countries ratified the relevant instruments. He also commended the Ad Hoc Committee's efforts to conduct consultations with a view to reaching consensus on the text of the draft comprehensive convention and urged Member States involved in the negotiation process to demonstrate genuine political will and to take a constructive approach.

39. **Mr. Kanu** (Sierra Leone) said that his Government condemned terrorism in all its forms and manifestations, wherever and by whomsoever committed, as a threat to international peace and security. While the international conventions and declarations and the Security Council resolutions adopted since 9 November 2001 had had some effect in decreasing the number of terrorist attacks, they had been largely ineffective and the attacks that had been committed had tended to result in more deaths. The international community had no clear and appropriate mechanism for addressing that problem; the relevant resolutions condemned terrorism, but they had no enforcement mechanism and there were significant gaps and overlapping in the coverage provided.

40. The lack of a legal definition of terrorism was the source of that problem and was the primary reason that terrorism was not covered by the Rome Statute of the International Criminal Court. It was unfortunate that although the draft comprehensive convention was a legal instrument, States had attempted to arrive at a political definition, which could be established through a political declaration. Until the draft convention was adopted, terrorists might be prosecuted by the International Criminal Court as perpetrators of crimes against humanity under article 7 (1) of the Rome Statute.

41. Global counter-terrorism measures should be taken in accordance with international human rights and humanitarian law. There was talk of a "war on terrorism", but it was difficult to declare war on a phenomenon. His delegation supported the call for a high-level conference under United Nations auspices and stressed that the States, individuals and groups perceived as responsible for or associated with terrorism should be invited to take part in that event; Sierra Leone would not have emerged from its 11-year civil war without engaging in dialogue with rebel groups. Moreover, terrorism was understood by some as an attempt at communication by the perpetrators, who should therefore be included rather than limiting them to their traditional means of communication, namely acts of terrorism. Such an approach would not constitute the justification of terrorist acts; instead, it would provide an opportunity to gain a more complete understanding of their root causes in order to prevent and eradicate the problem.

42. **Mr. Omaish** (Jordan) said that no form or manifestation of terrorism could be justified on any grounds and that his Government would continue to combat terrorism and its perpetrators through all possible means.

43. Terrorism was not the problem of any one country or region, nor should it be associated with any religion or group. Its causes and motivations were neutral from the point of view of religion and culture, and it required a global response. Security measures were not enough; political, economic and social factors needed to be addressed.

44. His Government supported the Global Counter-Terrorism Strategy and had adopted a new anti-terrorism law, introduced stricter border controls and required all banks operating in its territory to comply with the relevant Security Council resolutions. His delegation stood ready to work with all parties to achieve consensus on the text of the draft comprehensive convention and wished to stress that all counter-terrorism measures taken at the national and international levels should ensure respect for human rights and the rule of law.

45. Lastly, his delegation welcomed Saudi Arabia's proposal to establish an international counter-terrorism centre and was in favour of convening a high-level conference under United Nations auspices.

46. **Mr. Al-Mansoori** (United Arab Emirates) said that despite international efforts over the last few decades, terrorism was becoming ever more sophisticated and deadly. Measures to combat terrorism should include not only the prosecution of its perpetrators, but consideration of its root causes, which included foreign occupation, political and economic oppression, and racial and cultural discrimination. His delegation renewed its strong support for a high-level international conference to develop a legal framework within which to confront terrorism, on the understanding that holding such a conference would not be linked to completion of the draft comprehensive counter-terrorism convention. He stressed the importance of reaching agreement on a legal definition of terrorism that distinguished it clearly from the legitimate struggle of peoples against occupation. Counter-terrorism measures should be consistent with the principles of the Charter of the United Nations, international law and human rights law. Implementation of such measures needed to be non-selective and respectful of national sovereignty. The international community needed to reject attempts to associate terrorism with any particular religion, ethnicity or culture. In addition, the draft comprehensive counter-terrorism convention should include provisions on State terrorism, such as the State terrorism being perpetrated by Israel in occupied Palestinian and Arab territory.

47. In keeping with its repudiation of terrorism, the United Arab Emirates had formed a national counter-terrorism committee to ensure compliance with Security Council resolutions 1267 (1999) and 1373 (2001). In 2003 it had issued the Federal Counter-terrorism Act, which contained a definition of terrorism and imposed stiff penalties on its perpetrators. It had also taken strict measures against terrorist financing, such as the Anti-money-laundering Act of 2002, and had modernized its border surveillance to prevent the use of its territory by smugglers. The United Arab Emirates had signed 14 international counter-terrorism agreements, the most recent being the International Convention for the Suppression of Acts of Nuclear Terrorism, as well as regional agreements including the 2004 Gulf Cooperation Council Counter-terrorism Agreement and the 1999 Arab Convention on the Suppression of Terrorism.

48. **Mr. Sandage** (United States of America) said that global terrorism affected every aspect of life. No geographical region was immune and no individual could feel totally safe. The vast majority of the victims of terrorism were civilians, and, in 2006, followers of the Islamic faith. Attacks on children had almost doubled in 2006, with over 1,800 killed or injured. Terrorists also targeted the workers essential to a civilized society. The United States welcomed the unanimous adoption of the United Nations Global Counter-Terrorism Strategy, which was a testimony to the collective will of the international community to confront terrorism.

49. Although it was of fundamental importance to capture and bring to justice the key terrorist actors, such actions did not eliminate the threat. Unless terrorist recruitment and the expansion of terrorist groups' global reach was eroded, terrorism would not be eliminated. Long-term measures must be adopted to marginalize terrorists and build trusted networks of Governments, private citizens and organizations, multilateral institutions and business groups that would work together to defeat the threat from violent extremism. Such networks would, over time, wean populations at risk away from subversive manipulation by terrorists, as well as creating mechanisms to address legitimate needs and grievances.

50. The United States strategy to defeat terrorists was structured at multiple levels: it involved a global campaign to counter violent extremism and disrupt terrorist networks; regional collaborative efforts to deny terrorists safe havens; and numerous bilateral security and development and assistance programmes, designed to build liberal institutions, support law enforcement and the rule of law, address political and economic injustice and develop military and security capacity. The global community should, however, work harder to galvanize public opinion into rejecting violence as a means of expressing grievances of any kind. Alienated groups should be enabled to redress their legitimate grievances without joining the terrorist network. In that connection, he informed the Committee that the United States had pledged to the United Nations Counter-Terrorism Implementation Task Force a voluntary contribution of nearly US$ 500,000 and called on other Member States to contribute. The international community must continue

to work together in creating effective multilateral mechanisms for combating terrorism, including the long-pending draft comprehensive convention against international terrorism.

51. With regard to the case of Luis Posada Carriles, the United States had acted in accordance with international and domestic law. As with all democracies that followed the rule of law, legal safeguards provided that an individual could not be brought to trial or extradited unless there was sufficient evidence that he had committed a given offence. Mr. Posada had entered the United States illegally in early 2005. He had been detained by immigration authorities in May 2005 and his removal from the country had been ordered by an immigration judge in September 2005. That order remained in effect. The United States had been seeking ways to implement the order in a way that complied with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The United States had also obtained a criminal indictment charging Mr. Posada with violations of immigration laws. A United States district court had dismissed the indictment and the Government had lodged an appeal against that decision in June 2007. The judiciary in the United States was wholly independent of the executive branch, and the federal judge in charge of the case had reached her decision in accordance with her reading of the law. A decision by the courts must be obeyed unless and until it was overturned by a higher court. Meanwhile, Mr. Posada remained under investigation for past activities. He remained subject to the order of removal and was without legal status in the United States. He was also subject to an Order of Supervision from the Department of Homeland Security, Immigration and Customs Enforcement, which imposed certain restrictions, including reporting and monitoring requirements. In short, the United States continued to be engaged in action consistent with its legal requirements and due process with regard to Mr. Posada.

52. **Mr. Muchemi** (Kenya) said that terrorism undermined the values embodied in the Charter of the United Nations: respect for human rights, the rule of law, protection of civilians, tolerance among peoples and nations and the peaceful resolution of conflicts. It knew no frontiers and was undiscriminating. No one and no country was immune. Although measures to combat terrorism were put in place at every level, terrorists were quick to find ways of circumventing them. His delegation recognized the central role of the United Nations in coordinating anti-terrorism efforts and endorsed the five pillars forming the basis of the strategy for fighting terrorism, contained in the Secretary-General's report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005). In that connection, it welcomed the establishment of the United Nations Counter-Terrorism Implementation Task Force. It also supported the work of the Security Council and the Committee established pursuant to its resolution 1373 (2001).

53. At the national level, Kenya had put in place a number of measures, including the National Counter-Terrorism Centre, which, since 2004, collected and analysed all information relating to potential terrorist threats; the Anti-Terrorism Police Unit; and the Suppression of Terrorism Bill of 2003, which was being republished in order to incorporate the views of stakeholders. The Bill provided for clear investigative, preventive and prosecution mechanisms against individuals and organizations suspected of terrorist activities. Other measures included draft legislation on money-laundering, providing for the freezing of funds and confiscation of property of persons or organizations associated with terrorist activities, which had been finalized and awaited debate by Parliament; and the establishment of a special prosecution unit in the Office of the Attorney-General to prosecute terrorism and money-laundering cases.

54. His delegation welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and commended the work of the Ad Hoc Committee established by General Assembly resolution 51/210 on strengthening the international legal framework for suppressing terrorism. Kenya had signed the Convention and had started the ratification process. The international legal framework would not, however, be fully effective until a comprehensive convention against international terrorism was adopted. It was disheartening that just a few outstanding issues, including the definition of the term, had held up the completion of the draft convention. The differences of opinion on them were surely not insurmountable.

55. **Mr. Al-Sheikh** (Yemen) said that his country was resolved to confront terrorism through both national legislation and international efforts, and was already a party to numerous bilateral and multilateral agreements. Terrorism was not connected with any

particular religion, culture or ethnicity, but sprung from a general sense of a lack of justice in the resolution of international problems, in particular the problem of peoples under foreign occupation. In keeping with the principles of Islam, Yemen was working to promote dialogue and mutual understanding between civilizations and cultures. It had for some time been calling for an international conference to define terrorism and differentiate it from the legitimate struggle of peoples against occupation, and to uncover the root causes of terrorism, which included poverty, unemployment and ignorance.

56. Yemen supported the Saudi Arabian initiative to set up an international counter-terrorism centre. It had submitted five reports to the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001), was a party to nine counter-terrorism conventions, and was in the process of taking the legislative measures to accede to three others. It supported the elements of the United Nations Global Counter-Terrorism Strategy that addressed the factors that led to terrorism, but stressed that that Strategy should undergo periodic review. What was needed above all was international agreement on a definition of terrorism that distinguished it from the right of peoples to self-determination and freedom from occupation.

57. **Mr. Mikanagi** (Japan) said that, ever since its adoption, Japan had made the utmost effort to implement the United Nations Global Counter-Terrorism Strategy. Japan also continued to attach importance to the early adoption of the draft comprehensive convention against international terrorism, which would bring to justice those responsible for terrorist acts. Progress on the discussion of the draft convention would send a clear message that the United Nations and the international community were seriously committed to combating terrorism. Member States should make a sincere effort to understand each other's positions and show flexibility. The ratification by Japan in August 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism had made it a State party to all the international legal instruments against terrorism. His delegation urged other States to follow suit.

58. **Mr. Al-Adhami** (Iraq) reiterated his country's forceful condemnation of all forms of terrorism as terrorist acts posed a serious threat to human rights and international peace and security and obstructed social and economic development. Daily terrorist acts in his country affected all levels of society and were destroying the infrastructure.

59. His delegation condemned terrorist acts but emphasized that the fight against terrorism must respect international law and, in particular, international humanitarian law and human rights law. Furthermore, regional and international cooperation must be strengthened, including by the adoption of effective measures and instruments to limit the movement of terrorists, deprive them of all material support and bring them to justice. Moreover, efforts to combat terrorism would be in vain unless appropriate solutions were found for the causes of terrorism, including poverty, injustice, marginalization, the violation of human rights and double standards in international affairs.

60. **Mr. Maqungo** (South Africa) said that terrorism, by whomever committed, could not be justified under any circumstances, in line with the OAU Convention on the Prevention and Combating of Terrorism. A differentiation should, however, be made between terrorism and the legitimate struggle by a people for its liberation or self-determination, in accordance with the principles of international law. The United Nations Global Counter-Terrorism Strategy was a step in the right direction; but, as it stood, it was no more than a blueprint; responsibility for implementing the Strategy still lay with the United Nations and Member States. Much remained to be done to raise awareness among Member States of the Strategy, and he commended the efforts of some Governments to do so. Many developing countries faced other immediate challenges arising from such issues as poverty, conflict and disease. It was encouraging that the Strategy recognized that the factors conducive to the spread of terrorism must be addressed. His delegation strongly favoured such a holistic approach.

61. Much progress had been made on the draft comprehensive convention against terrorism; but some important issues remained to be resolved. Efforts should be focused not on the manifestations of international terrorism but on the causes, whatever those might be. It was important that the international community should tackle the central question of the definition of terrorism and its causes. In that connection, he emphasized the need to respect international law in implementing measures to eliminate international terrorism. Assassinations,

targeted killings, kidnapping, indefinite detention without trial, torture or mass punishment could not be justified under any circumstances. If States employed measures similar to those of terrorists, they were indistinguishable from the terrorists themselves.

62. **Ms. Schonmann** (Israel) said that the common-sense definition of terrorism was clear: it meant the deliberate and indiscriminate targeting of non-combatants for the purpose of causing havoc and fear. Although no definition had yet been internationally agreed, there could be no doubt that terrorism was unjustifiable, whatever the cause or grievance involved. It was therefore a matter for concern that the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 described terrorism as a "relative concept". One of the complexities of terrorism was the duality with which it was often perceived, being viewed as both a weapon and a method of warfare, a strategy and a tactic. That complexity had recently been compounded, as terrorist groups sought to take advantage of the democratic process in order to advance their violent agenda. No true democracy allowed armed militias or groups with violent agendas to participate in elections; yet some demonstrated double standards, promoting abroad what they would not accept at home, thus empowering those who used democratic means to advance anti-democratic ends.

63. Terrorism was vulnerable, in that it could not operate without a steady flow of funds. Nor could it operate in a vacuum: terrorists were dependent on sympathetic States for sponsorship and support. The Security Council had called on all States to prevent the financing of terrorists, particularly the doubly heinous crime of fundraising in charitable guise. The adoption of the United Nations Global Counter-Terrorism Strategy, which reinforced the international community's unequivocal condemnation of terrorism, was welcome, but the real test of the Strategy's success lay in its effective implementation and its adaptability to the challenges on the ground. Her delegation looked forward to the review process, in the hope that substantial elements that had been suggested in the Secretary-General's report but omitted from the Strategy would be reconsidered and incorporated in the Strategy in the future.

64. In view of the importance of strengthening State capacity to combat terrorism, an inter-ministerial committee in Israel had been working on a comprehensive anti-terrorism bill, the aim being to address the dilemma of combating terrorism while safeguarding human rights, including those of suspected terrorists. In that connection, she agreed with the representative from Cameroon that the professional forum of the Sixth Committee was not an appropriate venue for a political debate. She urged the Committee to continue with its open and candid discussions.

65. Lastly, she emphasized that the absence of a consensus definition of terrorism undermined the legitimacy of United Nations efforts to deal with the threat. Important though it was to conclude the draft comprehensive convention, no decision should be reached at the expense of diluting the principles that would make it an effective tool in the fight against terrorism. There was a need for legal precision but an even greater need for moral clarity.

66. **Mr. Muhumuza** (Uganda) said that Uganda condemned terrorism in all its manifestations; it could never be justified under any circumstances. Uganda therefore welcomed the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism in July 2007. Although Uganda commended the work of the Committee established pursuant to the adoption of Security Council resolution 1540 (2004) aimed at preventing the proliferation of weapons of mass destruction, it was concerned that the Committee's efforts might be undermined by the dumping of toxic waste, as had occurred off the coast of Somalia, since such dumping could provide terrorists with a source of nuclear material.

67. Uganda urged all Member States to build on the momentum attained with the adoption of the United Nations Global Counter-Terrorism Strategy, while bearing in mind the vital need to address the root causes of terrorism. Combating terrorism implied taking hard decisions, including adopting a comprehensive definition of that phenomenon. Only then would terrorists be exposed for what they really were and be unable to hide under the cover of a legitimate struggle.

68. **Ms. Coelho** (Angola) said that terrorism had been escalating over the past decade and constituted a serious threat to global peace and development. Concerted efforts at the national, regional and international levels were needed to address the problem. The adoption by consensus of the United Nations Global Counter-Terrorism Strategy was an

example of the international cooperation that was crucial in that area. It was now essential to finalize the draft comprehensive convention, the most important counter-terrorism initiative stemming from the 2005 World Summit that was still outstanding.

69. At the regional level, Angola had been participating in activities carried out by southern African organizations, such as the Organ on Defence, Politics and Security Cooperation of the Southern African Development Community and the Southern African Regional Police Chief Council Organization. It had also ratified the OAU Convention on the Prevention and Combating of Terrorism.

70. **Ms. Sarne** (Philippines) said that her country had consistently maintained that peace and security were indispensable to its economic growth and stability and that terrorist acts were a direct threat to the welfare and well-being of its people. With a view to securing the Asia-Pacific region from terrorism, it had spearheaded the creation of the Asia-Pacific Economic Cooperation Counter-Terrorism Task Force and had joined with the Association of Southeast Asian Nations in adopting a Convention on Counter Terrorism. Determined to uphold the rule of law and the fundamental rights and freedoms that terrorists sought to destroy, the Congress of the Philippines had adopted the Human Security Act in March 2007.

71. Believing that terrorism was rooted in poverty and injustice and could not be fought with military strength alone, the Philippines had embarked upon a strategy to strike at the causes of terrorism, based on peace through dialogue, understanding and development. It had been one of the sponsors of the recent High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace. In the Philippine experience, interfaith dialogue, economic aid and social justice were powerful instruments against extremism and terrorism.

72. The Philippines implemented its programme to combat terrorism in keeping with the United Nations Global Counter-Terrorism Strategy. Her delegation commended the work of the Ad Hoc Committee established by General Assembly resolution 51/20 in dealing with the outstanding issues that impeded consensus on the draft comprehensive convention on terrorism and was ready to work towards the conclusion of that instrument.

73. **Ms. Blane** (Palau) said that Palau had, for many years, participated actively in United Nations efforts to counter international terrorism and supported the adoption of the United Nations Global Counter-Terrorism Strategy. It looked forward to the conclusion of negotiations on the draft comprehensive convention on international terrorism.

74. Palau had signed twelve of the international conventions against terrorism and had completed its reports pursuant to Security Council resolutions 1267 (1999), 1373 (2001) and 1624 (2005). It was nearing completion of its report pursuant to Security Council resolution 1540 (2004).

75. Palau had adopted a detailed and comprehensive regime of legislation to combat money-laundering and the financing of terrorism, but, being a small developing country, it lacked the necessary capability and resources to ensure that violations of that legislation were systematically investigated and prosecuted. It therefore welcomed statements made in the Sixth Committee to the effect that there were countries committed to providing assistance to developing countries in their fight against terrorism. However, assistance should expand beyond help with legislative drafting and focus on the problems of enforcement, including the provision of financial and technical assistance. Capacity-building should remain at the forefront of United Nations concerns.

76. All States should work together to eradicate terrorism, bearing in mind that it was not only a global concern but also a local one. Until all areas and regions were free from terrorism, none would be.

77. **Mr. Adamou** (Niger) said that, despite its overwhelming priorities relating to economic and social development, his country had always condemned terrorism in all its forms and manifestations and had participated in efforts to eradicate that scourge, which was a threat to international peace and security. It had established a national committee to combat terrorism, made up of representatives of various State structures and of civil society, and had ratified a number of major legal instruments on terrorism. However, the African countries needed assistance from the international community if they were to be able to fulfil their obligations under those instruments.

78. The best way to combat terrorism was to take a global and coordinated approach, which should not link terrorism to a particular religion or belief but rather

analyse its root causes, including intolerance, poverty, and despair. It was ill-considered and unjust to associate Islam with terrorism, especially since terrorists indiscriminately attacked both Muslim and non-Muslim countries. The mass media should demonstrate responsibility in the way they handled information on terrorism.

79. He urged Member States to spare no effort to finalize the draft comprehensive convention on terrorism. The adoption of such a text would result in a clear definition of terrorism, thus helping to avoid abuses in the fight against that scourge, which must be carried out in strict accordance with the rule of law and respect for human rights.

80. **Ms. Ragg** (The International Criminal Police Organization (INTERPOL)) said that Security Council resolution 1373 (2001) and the United National Global Counter-Terrorism Strategy both stressed the need for enhanced information sharing and cooperation between Member States and with regional, subregional, and other international organizations. In that connection, INTERPOL had created a special Fusion Task Force in September 2002 to provide a forum for counter-terrorism experts to exchange information, including operational information and best practices. The primary objectives of this Task Force were to provide analytical support and identify active terrorist groups and their membership, organizational hierarchies, and methods of training and financing. INTERPOL's worldwide law enforcement network guaranteed an ideal framework for the sharing of relevant and accurate data about suspected criminals and criminal activities, as did its secure global communications system that allowed for the transmission of information.

81. INTERPOL had also developed a broad range of global databases for use by its member countries. Another important tool in the fight against international terrorism was its colour-coded Notices system, which alerted member countries about the movements of known or suspected international criminals. Of particular significance was the INTERPOL-United Nations Security Council Special Notice, created in 2005 in close cooperation with the Security Council Committee established pursuant to resolution 1267 (1999) to inform INTERPOL member countries about individuals subject to United Nations sanctions.

82. Since terrorists and other serious criminals often used false documents to travel, INTERPOL had created in 2002 a database of stolen and lost travel documents whose importance had been acknowledged in Security Council resolution 1617 (2005) and the United Nations Global Counter-Terrorism Strategy.

83. INTERPOL was an active partner in the United Nations Counter-Terrorism Task Force; it participated as a supporting entity in a number of its working groups and as one of the leading entities in the Working Group on Protecting Vulnerable Targets. It continued to support the Counter-Terrorism Committee Executive Directorate and had been involved in almost all its country evaluation visits. It would participate actively in that Committee's forthcoming fifth special meeting on "Prevention of Terrorist Movement and Effective Border Security". Given its important role in the fight against terrorism, INTERPOL would like to encourage Member States to consider recognizing it, along with other regional and international organizations, in the resolution on measures to eliminate international terrorism to be presented to the sixty second session of the General Assembly

84. **Ms. Thomas** (Cuba), speaking in exercise of the right of reply, said that Luis Posada Carriles was only charged with fraud and lying to the United States immigration authorities and was not being brought to justice for being a well-known international terrorist responsible for the bombing of a Cubana de Aviación aircraft that had killed 76 innocent civilians. He had not appeared before a court to answer charges of being involved in attacks against tourist installations in Havana in 1997 and in dozens of planned assassination attempts against President Fidel Castro, financed by the Government of the United States. The Government of Cuba had evidence to substantiate its accusations because the author of those acts had confessed publicly. The Government of the United States likewise had that evidence.

85. It was a disgrace for international law, undermining all the efforts of the international community to combat terrorism, that the Government of the United States continued to protect the best-known international terrorist in the Western hemisphere on the basis of legalistic arguments. As long as those actions remained unpunished, Cuba would continue to call for justice and an end to double standards in the fight to rid the world of the scourge of terrorism.

The meeting rose at 5.40 p.m.